

RECEIVED
CENTRAL FAX CENTER

AUG 24 2005

Attorney's Docket No. 5051-653

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jason C. H. Shih et al.

Confirmation No.: 7508

Application No.: 10/661,172

Filed: September 13, 2003

For: *Construction of Bacillus Licheniformis T1 Strain, and Fermentation Production of Crude Enzyme Extract Therefrom*

August 24, 2005

RECEIVED
OIPE/IAP

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

AUG 25 2005

PETITION TO CORRECT INVENTORSHIP IN AN APPLICATION
UNDER 37 C.F.R. § 1.48(a) AND 35 U.S.C. § 116

Sir:

Pursuant to 37 C.F.R. 1.48(a), please add **Jeng-Jie Wang**, 2300 Avent Ferry Road, Apt. O-1, Raleigh, North Carolina 27606, as an inventor to the above-identified application. In support of this petition are included:

- (a) A fee as set forth in 37 C.F.R. 1.17(i) (the Commissioner is hereby authorized to charge the \$130.00 fee, any deficiency and/or credit any overpayment to Deposit Account No. 50-0220);
- (b) A verified statement by **Jeng-Jie Wang** that the error in inventorship occurred without deceptive intention on his part;
- (c) A Consent of Assignee duly executed by the assignee; and
- (d) An executed Substitute Declaration and Power of Attorney.

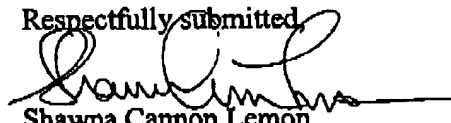
The joint inventor was omitted as a result of error and without deceptive intention. The joint inventor, **Jeng-Jie Wang**, was omitted as a result of judgment by the Agent that there were not sufficient facts at the time of filing to add him as an inventor. Only after the application had been filed was it conclusively discovered that the unnamed inventor had been potentially omitted in error. Upon reviewing the claims as drafted and reviewing the facts, it was decided that **Jeng-Jie Wang** was a joint inventor as to some of the claims, and thus, should be added to appropriately correct the inventorship. A mistake of judgment concerning the proper inventive

In re: Jason C. H. Shih
Application No.: 10/661,172
Filed: September 13, 2003
Page 2

entity can constitute a correctable "error" within the meaning of 35 C.F.R. § 116. In re Schmidt, 130 U.S.P.Q. 404 (C.C.P.A. 1961). Further, the proper inventive entity need not be conclusively proved "so long as the existence of error without deceptive intention is satisfactorily demonstrated." In re Searles, 164 U.S.P.Q. 623, 628 (C.C.P.A. 1970).

Therefore, it is respectfully requested that the omitted inventor be added to correct the inventorship.

Respectfully submitted,

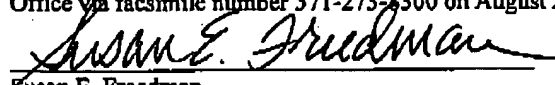


Shawna Cannon Lemon
Attorney for Applicants
Registration No. 53,888

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on August 24, 2005.



Susan E. Freedman

Date of Signature: August 24, 2005

RECEIVED
CENTRAL FAX CENTER

AUG. 24 2005

MYERS BIGEL SIBLEY & SAJOVEC

Patent Attorneys

4140 Parklake Avenue, Suite 600, Raleigh, NC 27612

P.O. Box 37428, Raleigh, NC 27627

919-854-1400

Facsimile 919-854-1401

TELECOPIER TRANSMISSION
COVER SHEET

Date: August 24, 2005

File Number: 5051-653

Telecopier No.: 571-273-8300

To: U.S. Patent and Trademark Office, GAU 1645

From: Shawna Cannon Lemon

Number of Pages: 9

Return fax to: sef

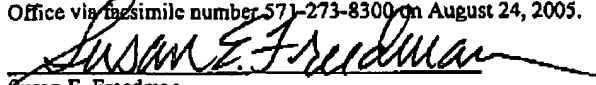
If there is a problem with this transmission, please call (919) 854-1400. Our fax number is (919) 854-1401.

Attached are the following documents for filing in USSN 10/661,172:

1. Petition to Correct Inventorship in an Application Under 37 C.F.R. §1.48(a) and 35 U.S.C. §116;
2. Verified Statement of Facts Under 37 C.F.R. §1.48;
3. Consent of Assignee to Change Inventorship Under 37 C.F.R. §1.48; and
4. Substitute Declaration and Power of Attorney for Patent Application.

CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on August 24, 2005.


Susan E. Freedman

Date of Signature: August 24, 2005

Confidentiality Note

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

AUG 24 2005

Attorney Docket No. 5051-653

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jason C. H. Shih
Application No.: 10/661,172
Filed: September 12, 2003

Confirmation No.: 7508

For: *Construction of Bacillus Licheniformis T1 Strain, and Fermentation Production of Crude Enzyme Extract Therefrom*Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450VERIFIED STATEMENT OF FACTS
UNDER 37 C.F.R. § 1.48

Sir:

Pursuant to 37 C.F.R. § 1.48(a), Jeng-Jie Wang, of 1945 Betry Place, Raleigh, North Carolina 27603, declares that:

1. I am an employee of BioResource International, Inc.
2. As a joint-unnamed inventor, I had responsibility for development of *Construction of Bacillus Licheniformis T1 Strain, and Fermentation Production of Crude Enzyme Extract Therefrom*.
3. The joint-named inventor, Jason C.H. Shih and I had at various times exchanged data and schemes with various aspects of the present invention presented therein.

To the best of my knowledge, I believe that the invention described and claimed in the above-identified application was developed in part by myself and in part by Jason C.H. Shih and through error without any deceptive intent I was not named as an inventor in the original application.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing thereon.

Respectfully submitted,



Jeng-Jie Wang

Date

07/12/05

AUG 24 2005

Attorney Docket No. 5051-653

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jason C. H. Shih

Confirmation No.: 7508

Application No.: 10/661,172

Filed: September 12, 2003

For: *Construction of Bacillus Licheniformis T1 Strain, and Fermentation Production of
Crude Enzyme Extract Therefrom*

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

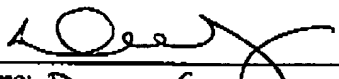
CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP
UNDER 37 C.F.R. § 1.48

Sir:

The below-named officer who represents North Carolina State University, the assignee of the above-identified application, hereby consents to the amendment of the patent application under 37 C.F.R. § 1.48, to add the following joint inventor:

Inventor: **Jeng-Jie Wang**

Address: 2300 Avent Ferry Road, Apt. O-1, Raleigh, North Carolina 27606

Respectfully submitted,
NORTH CAROLINA STATE UNIVERSITY
Name: Donna Cookmeyer
Title: Director, Technology Transfer8/11/05
Date

ATTORNEY DOCKET NO. 5051-653

**SUBSTITUTE DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**CONSTRUCTION OF BACILLUS LICHENIFORMIS T1 STRAIN, AND FERMENTATION PRODUCTION OF CRUDE ENZYME EXTRACT THEREFROM,**" the specification of which

☐ is attached hereto

OR

☒ was filed on **September 12, 2003** as United States Application No. **10/661,172** or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

None			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

ATTORNEY DOCKET NO. 5051-653

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/410,710	September 13, 2002
Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below.

None		
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all International applications filed by me with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

ATTORNEY DOCKET NO. 5051-653


Customer No. 20792

Send correspondence to: **Customer No. 20792**
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Direct telephone calls to: **Shawna Cannon Lemon**
(919) 854-1400

Facsimile: **(919) 854-1401**

Full name of first inventor: **Jason C. H. Shih**

Inventor's
Signature:  Date: 7/25/2005

Residence: **Cary, North Carolina**

Citizenship: **United States of America**

Post Office Address: **100 Planters Wood Lane**
Cary, North Carolina 27511

ATTORNEY DOCKET NO. 5051-653

Full name of second inventor: **Jeng-Jie Wang**

Inventor's

Signature: 

Date: 7/12/05

Residence:

Raleigh, North Carolina

Citizenship:

Taiwan, Republic of China

Post Office Address:

1945 Betry Place
Raleigh, North Carolina 27603